



DECLARATION FOR PATENT APPLICATION

Docket No. 1944.014

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled BIODEGRADABLE IN-SITU FORMING IMPLANTS AND METHODS OF PRODUCING THE SAME, the specification of which

(check one) ☐ is attached hereto.

☒ was filed on October 3, 1988 as
Application Serial No. 07/252,645
and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

| (Number) | (Country) | (Day/Month/Year Filed) | Yes | No |
|----------|-----------|------------------------|-----|----|
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| (Application Serial No.) | (Filing Date) | (Status—patented, pending, abandoned) |
|--------------------------|---------------|---------------------------------------|
| | | |
| | | |

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

William H. Needle (Reg. #26,209), Sumner C. Rosenberg (Reg. #28,753) & William G. Hervey (Reg. #32,573)
Address all telephone calls to William H. Needle at telephone no. (404) 688-0770
Address all correspondence to NEEDLE & ROSENBERG, P.C.
68133 Carnegie Way, N.W., Suite 400
703 Atlanta, Georgia 30303

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Richard L. Dunn
Inventor's signature Richard L. Dunn Date 12/5/88
Residence Fort Collins, Colorado Citizenship U.S.A.
Post Office Address 451 Boardwalk Drive, RLD, Apt. 501
Fort Collins, Colorado 80526
Full name of second joint inventor, if any James P. English
Second Inventor's signature James P. English Date 12/2/88
Residence Birmingham, Alabama Citizenship U.S.A.
Post Office Address 2500 Melinda Circle
Birmingham, Alabama 35214

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Docket No. 1944.014

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(check one) ☐ is attached hereto.☒ was filed on October 3, 1988 asApplication Serial No. 077252,645

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

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Prior Foreign Application(s)

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133 Carnegie Way, N.W., Suite 400
Atlanta, Georgia 30303

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Full name of sole or first inventor Donald R. Cowser
 Inventor's signature Donald R. Cowser Date 12-2-88
 Residence Birmingham, Alabama Citizenship U.S.A.
 Post Office Address 4657 Round Forest Drive
Birmingham, Alabama 35213

(Fourth) Full name of second joint inventor, if any David A. Vanderbilt
 Second inventor's signature David A. Vanderbilt Date 12-2-88
 Residence Birmingham, Alabama Citizenship U.S.A.
 Post Office Address 1049-D Beacon Parkway East
Birmingham, Alabama 35204

Applicant or Patentee: Richard L. Dunn et al. Attorney's
Serial or Patent No.: 07/252,645 Docket No.: 1944.014
Filed or Issued: October 3, 1988
For: BIODEGRADABLE IN-SITU FORMING IMPLANTS AND METHODS OF PRODUCING THE SAME

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) and 1.27 (d)) — NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION SOUTHERN RESEARCH INSTITUTE
ADDRESS OF ORGANIZATION 2000 Ninth Avenue South
Birmingham, Alabama 35255-5305

TYPE OF ORGANIZATION

- ☐ University or other institution of higher education
☐ Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3))
☒ Nonprofit scientific or educational under statute of state of The United States of America
(Name of state Alabama)
(Citation of statute Title 10, Sec. 150, Code 1940)
☐ Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)) if located in
The United States of America
☐ Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located
in The United States of America
(Name of state _____)
(Citation of statute _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9 (e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled BIODEGRADABLE IN-SITU FORMING IMPLANTS AND METHODS OF PRODUCING by inventor(s)
THE SAME described in

- ☐ the specification filed herewith
☒ application serial no. 07/252,645, filed October 3, 1988
☐ patent no. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME SOUTHERN RESEARCH INSTITUTE
ADDRESS 2000 Ninth Avenue South, Birmingham, Alabama 35255-5305
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Paul J. Sharbel
TITLE IN ORGANIZATION Vice President/ Treasurer
ADDRESS OF PERSON SIGNING Post Office Box 55305
Birmingham, Alabama 35255-5305

SIGNATURE Paul J. Sharbel DATE December 1, 1988